

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : CASE NO. 5-18-02134  
MILTON A. ORTIZ :  
Debtor : CHAPTER 13

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MILTON A. ORTIZ :

Movant, :

vs. :

BAYVIEW LOAN SERVICING :

Respondents. :

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**DEBTOR'S ANSWER TO MOTION FOR RELIEF FROM**  
**AUTOMATIC STAY UNDER SECTION 362**

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AND NOW COMES, Milton A. Ortiz, the Debtor, and files an Answer to Bayview Loan Servicing's Motion for Relief From the Automatic Stay:

1. Milton A. Ortiz (hereinafter the "Debtor") filed a Chapter 13 bankruptcy proceeding with the U.S. Bankruptcy Court for the Middle District of Pennsylvania.

2. Movant alleges that Debtor has failed to make post-petition mortgage payments.

3. Debtors Counsel is in the process of contacting the Debtors to ascertain if the payments have been made and/or to ascertain if Debtors are in possession of the funds to cure the alleged default.

4. In the event there remains an arrears, the Debtors wish to enter into a Stipulation to cure the arrears over a six (6) month period and/or include the arrears in an amended Plan.

5. Movant is not entitled to relief from the automatic stay as the arrearage amount due has been paid or shall be paid through the Chapter 13 Plan, and/or a six (6) month Stipulation, and, therefore, the Movant is adequately protected.

WHEREFORE, the Debtors respectfully request that Movant's Motion for Relief from the Automatic Stay be denied.

Respectfully submitted,

Date: September 24, 2020

/s/Tullio DeLuca  
Tullio DeLuca, Esquire  
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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that on September 24, 2020, he caused a true and correct copy of Debtors' Answer to Bayview Loan Servicing's Motion for Relief from the Automatic Stay to be served Via First Class United States Mail, Postage Pre-paid in the above-referenced case, on the following:

Charles J. DeHart, III, Esq. at [dehartstaff@ramapo.com](mailto:dehartstaff@ramapo.com)

Rebecca A. Solarz, Esq. at [rsolarz@kmlawgroup.com](mailto:rsolarz@kmlawgroup.com)

Dated: September 24, 2020

/s/Tullio DeLuca  
Tullio DeLuca, Esquire